



Department of Planning, Building and Code Enforcement

STEPHEN M. HAASE, AICP, DIRECTOR

**PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

Project File Number, Description, and Location

PDC03-079, Planned Development Rezoning from IP Industrial Park to IP(PD) Planned Development to allow up to 71,400 of industrial uses for a property located on the north side of Ringwood Court approximately 900 feet northerly of McKay Drive (Ralph Borelli, Owner/ Developer). Council District: 4

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

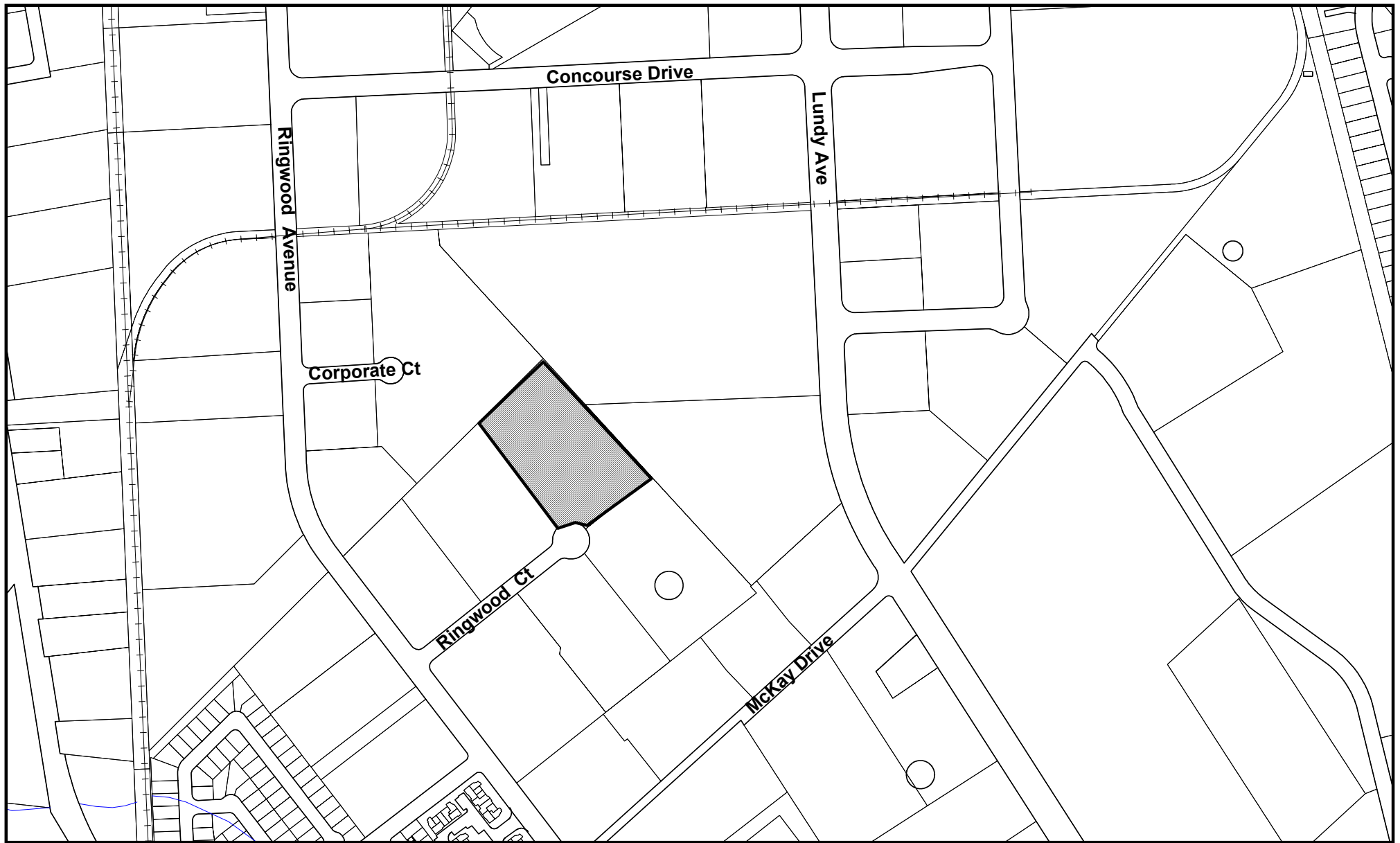
Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **January 9, 2003**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **December 19, 2003** and ends on **January 9, 2003**.

A public hearing on the project described above is tentatively scheduled for January **14, 2003** at **6:00 p.m.** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the Education Park Branch Library 1770 Educational Park Drive, San José, CA 95133 San Jose, and online at www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Caleb Gretton** at (408) 277-4576.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: December 19, 2003

Deputy



Scale: 1"=400'
Date: 09/10/2003



File No: PDC03-079

District: 4

Quad No: 51

DRAFT
MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Ringwood Court Rezoning

PROJECT FILE NUMBER: PDC03-079

PROJECT DESCRIPTION: Planned Development Rezoning from IP Industrial Park to IP(PD) Planned Development to allow up to 71,400 square feet of industrial uses.

PROJECT LOCATION & ASSESSORS PARCEL NO.: North side of Ringwood Court approximately 900 feet northerly of McKay Drive; 244-19-029

COUNCIL DISTRICT: 4

NAME OF APPLICANT: Ralph Borelli

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:
Contact: Kenneth Rodrigues, 10 S. 3rd Street, Suite 400 San Jose, CA. 95113

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

Air Quality:

1. The Bay Area Air Quality Management District emissions control requirements shall be complied with by obtaining 1) and Authority to Construct permit, and 2) a Permit to Operate if required when specific uses area determined.

2. A Construction Air Quality Plan shall be developed and implemented for dust control to include dust suppression practices such as: 1) frequent watering; 2) damp sweeping of haul routes, parking and staging areas; 3) installation of sandbags or other erosion control measures to prevent silt runoff to public roadways; 4) vehicle speed controls; 5) watering or the use of soil stabilizers on haul routes, parking and staging areas; 6) prohibition of grading during high winds; 7) hydroseeding areas where grading is completed or inactive; 8) covering of stockpiles and loads in haul vehicles; 9) maintaining at least two feet of freeboard in all haul vehicles; 10) limiting the area being graded at a given time; 11) monitoring of particulate levels; and 12) enforcement measures.

Biological Resources:

1. The developer shall perform a pre-construction survey 30 days prior to any construction of grading of the property.

Geology and Soils:

1. The developer shall carefully follow the recommendations of the soils investigation conduct in July of 2003 by Engeotech Inc.

Cultural Resources:

1. Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California; In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified by the developer and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as the disposition of the remains pursuant to this State Law, then the landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

Hazard Hazardous Materials:

1. The developer shall obtain a Hazardous Materials Permit from the City of San Jose Fire Department.

Hydration and Water Quality:

1. The proposed development will comply with the NPDES permit issued to the City of San Jose and other co-permittees of the SCVURPPP, and will include measures to control pollutants discharged to the storm water system. Future activities that require a permit from the City of San Jose will need to be evaluated for BMP's including, but not limited to the following: storm water retention or detention structures; use of landscaped-based storm water treatment measures, such as biofilters and vegetated swales to manage runoff from the site; minimization of impervious surfaces and increased use of permeable pavement; if inlet filters are used, a maintenance program to maintain the functional integrity of the systems; damp sweeping of streets and on site parking areas; routine storm drain cleaning, and; covering of dumpsters and materials handling areas

2. Prior to the commencement of any grading, clearing, or excavation the project developer shall comply with the City of San Jose's Municipal Code and the State Water Resources Control Board (SWRCB) NPDES General Construction Activities Permit as follows: The applicant shall develop, implement, and maintain a SWPPP. The SWPPP must specifically address BMP's that will be included in the project to the maximum extent practicable, for both the construction and post construction periods. The SWPPP would include erosion and sediment control measures, waste disposal controls. The developer shall maintain a copy of the most current SWPPP on site and shall provide a copy to any City representative or inspector on demand; the developer shall file a Notice of Intent (NOI) to be covered by the NPDES General Permit for Construction Activity with the SWRCB 30 days prior to any construction on the site.
3. In addition, the SWPPP must include a description of erosion control practices, which may include BMP's as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities.
4. The project will conform to the City's Grading Ordinance during construction. Prior to issuance of a grading permit, the developer shall submit copies of the NOI and Erosion Control Plan to the City Project Engineer at the Department of Public Works.

Noise:

1. Construction activities will be limited to the period between 7:00 AM and 7:00 PM Monday through Friday for any activity, on or off-site, within 500 feet of any residential uses.
2. The contractor will be required to use "new technology" power construction equipment with state of the art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and would be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
3. Staging areas will be located a minimum of 200 feet from noise sensitive receptors where possible

Traffic:

1. The developer shall contribute \$30,000 towards the construction of the Planned Improvement at the intersection of Trade Zone Boulevard and Montague Expressway.
2. This project is located within the North San Jose Deficiency Plan Area and must participate in the North San Jose Deficiency Plan fee. Currently, the North San Jose Deficiency Plan Area fee is \$362 per highest peak hour trips (\$32,942.00).

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **January 9, 2003**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments,

and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or

- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$100 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: December 18, 2003

Deputy

Adopted on: _____

Deputy

PUBLIC HEARING NOTICE

The Planning Commission and the City Council of the City of San José will consider a change in **ZONING** at a public hearing in accordance with Title 20 of the San José Municipal Code on:

Wednesday, January 14, 2003
6:00 p.m.
City Council Chambers, Room 205
City Hall
801 North First Street
San Jose, CA 95110

Tuesday, February 03, 2004
7:00 p.m.
City Council Chambers, Room 205
City Hall
801 North First Street
San Jose, CA 95110

The project being considered is:

PDC03-079. Planned Development Rezoning from IP Industrial Park Zoning District to IP(PD) Planned Development Zoning District on a 4.74 gross acre site, located on the north side of Ringwood Court approximately 900 feet northerly of McKay Drive (Borelli Investment Company Ralph Borelli, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration, File No. PDC03-079.

Reports, drawings, and documents for this project are on file and available for review, and a permit with recommendations will be available for your review during the week of the public hearing from **9:00 a.m. to 5:00 p.m.**, Monday, Wednesday, Fridays, and from **10:00 a.m. to 5:00 p.m.** Tuesday and Thursdays at:

Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, CA 95110
(408) 277-4576
www.ci-san-jose.ca.us/planning/sjplan/

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this meeting, please call (408) 277-4576 (Voice) at least 48 hours before the meeting.

** If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions are welcome and should be referred to the **Project Manager, Caleb Gretton**, at the e-mail address: caleb.gretton@sanjoseca.gov in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.



Joseph Horwedel,
Deputy Director, Plan Implementation Division
Dated: **December 09, 2003**

Patricia, L. O'Hearn,
City Clerk

Noticing Radius: **500 ft**

SECTION 20.120.400 OF THE SAN JOSE MUNICIPAL CODE
ESTABLISHES A FORMAT PROTEST PROCEDURE FOR REZONINGS
AND PREZONINGS BEFORE THE CITY COUNCIL

If you are the owner of property to be rezoned, or if you own property adjacent to or across the street from a proposed rezoning or prezonning, you may file an Official Protest. Such protest must be made on a form provided by the Director of Planning and must be filed in the Department of Planning, Building and Code Enforcement **by 5:00 p.m.** on the fifth day before the City Council opens its public hearing on the proposal (that is, the Thursday before a Tuesday hearing). A separate protest petition shall be filed for each separate protesting site. Contact the Department of Planning, Building and Code Enforcement if you have any questions.